

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Noel L. Hillman, U.S.D.J.
v.	:	Crim. No. 17- (NLH)
MARIA TAVERA,	:	CONSENT FORFEITURE
Defendant.	:	MONEY JUDGMENT

WHEREAS, the United States of America (the “United States” or the “Government”) filed a one-count Information (the “Information”) against Maria Tavera (the “Defendant”), which charged her with embezzlement from a health care benefit program, in violation of 18 U.S.C. § 669;

WHEREAS, pursuant to a plea agreement with the United States, the Defendant pleaded guilty to the Information;

WHEREAS, pursuant to 18 U.S.C. § 982(a)(7), a person convicted of a Federal health care offense as defined in 18 U.S.C. § 24, including embezzlement from a health care benefit program, in violation of 18 U.S.C. § 669, shall forfeit to the United States all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such offense;

WHEREAS, the property subject to forfeiture by the Defendant includes a sum of money equal to \$40,490.17 in United States currency, representing property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the Federal health care offense charged in the Information;

WHEREAS, in the plea agreement, the Defendant consented to the imposition of a criminal forfeiture money judgment in the amount of \$40,490.17 in United States currency;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, defendant Maria Tavera:

(1) Consents to the forfeiture to the United States of \$40,490.17 in United States currency as a sum of money representing property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the Federal health care offense charged in the Information, to which she has pleaded guilty;

(2) Consents to the imposition of a money judgment in the amount of \$40,490.17 in United States currency (the "Money Judgment"), pursuant to 18 U.S.C. § 982(a)(7), and agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

(3) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the Government or the Court to complete the forfeiture and disposition of property forfeited to satisfy the Money Judgment;

(4) Agrees that she shall cause a check in the amount of \$10,000 to be hand delivered to the Asset Forfeiture and Money Laundering

Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, on the date of her plea hearing. Defendant further agrees to pay the remaining balance of \$30,490.17 on the date of sentencing;

(5) Agrees that if the Money Judgment is not paid in full on the date of sentencing, interest shall accrue on any unpaid portion;

(6) Agrees that if the Money Judgment is not paid in full on the date of sentencing, she consents to the forfeiture of any other property, including substitute assets, in full or partial satisfaction of the Money Judgment, and remains responsible for the payment of the deficiency until the Money Judgment is paid in full;

(7) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in her presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(8) Acknowledges and understands that forfeiture of property will be part of the sentence imposed upon her in this case and waives any failure by the Court to advise Defendant of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(9) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture and disposal of the property described above; and

(10) Agrees that the forfeiture does not constitute an excessive fine or violate the Eighth Amendment.

WHEREAS, good and sufficient cause has been shown,

It is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense, embezzlement from a health care benefit program as alleged in the Information, to which the Defendant has pleaded guilty, the Defendant shall forfeit to the United States the sum of \$40,490.17 in United States currency.

IT IS FURTHER ORDERED that a money judgment in the amount of \$40,490.17 (the "Money Judgment") in United States currency is hereby entered against Maria Tavera and in favor of the United States, pursuant to 18 U.S.C. § 982(a)(7) and Federal Rule of Criminal Procedure 32.2(b).

IT IS FURTHER ORDERED that the Defendant having given her consent pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(4)(A), upon entry of this Consent Forfeiture Money Judgment, this Order is final as to the Defendant, shall be deemed part of her sentence, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that all payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service (or its designee), and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), the United States Marshals Service (or its designee) is authorized to deposit all payments on the Money Judgment in the United States Department of Justice Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter a money judgment against Maria Tavera and in favor of the United States in the amount of \$40,490.17 in United States currency.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 9th day of June, 2017.



HONORABLE NOEL L. HILLMAN
United States District Judge

The undersigned hereby consent to
the entry and form of this order:

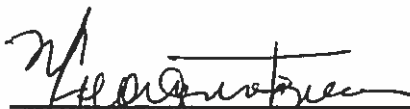
WILLIAM E. FITZPATRICK
Acting United States Attorney



By: R. DAVID WALK, JR.
Assistant United States Attorney



GILBERT J. SCUTTI, ESQ.
Attorney for Defendant Maria Tavera



MARIA TAVERA, Defendant

Dated:

6/9/17

Dated:

6/9/17

Dated:

6/9/17